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3 Eastern District of Washington
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7 UNITED STATES DISTRICT COURT
8 EASTERN DISTRICT OF WASHINGTON

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 vs.

13 APPROXIMATELY \$23,857.90 U.S.
14 CURRENCY,

15 Defendant.

Case No: 2:19-CV-00213-SMJ

AMENDED VERIFIED
COMPLAINT FOR
FORFEITURE *IN REM*

17 Plaintiff, United States of America, by its attorneys, Joseph H. Harrington,
18 United States Attorney for the Eastern District of Washington, and Brian M. Donovan,
19 Assistant U.S. Attorney, brings this complaint and alleges as follows in accordance
20 with Supplemental Rule G(2) of the Federal Rules of Civil Procedure:

22 I. NATURE OF THE ACTION

24 1. This is an action to forfeit and condemn to the use and benefit of the
25 United States of America the above-captioned Defendant property seized by the
26 Federal Bureau of Investigation for violations of Title II of the Controlled Substances
27 Act, 21 U.S.C. § 801 et seq.

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1 II. THE DEFENDANT(S) IN REM

2 2. The Defendant property consists of the following property:

3 (a) Receipt dated March 6, 2016, for \$23,857.90 USD in Northern
4 Quest Resort and Casino winnings, labeled “JP Safekeeping, barcode
5 number XXXXXX3347 (hereinafter “Casino Receipt”);

6 (b) The Casino Receipt’s value of \$23,857.90 U.S. currency in
7 winnings payable by Northern Quest Resort and Casino.

8 III. JURISDICTION AND VENUE

9 3. Plaintiff brings this action *in rem* in its own right to forfeit and condemn
10 the Defendant property. This Court has jurisdiction over an action commenced by the
11 United States under 28 U.S.C. § 1345, and over an action for forfeiture under 28
12 U.S.C. § 1355(a). This Court has *in rem* jurisdiction over the Defendant property
13 under 28 U.S.C. § 1355(b).

14 4. Upon the filing of this complaint, Plaintiff requests that the Court issue
15 an arrest warrant *in rem* pursuant to Supplemental Rule G(3)(b), which Plaintiff will
16 execute upon the property pursuant to 28 U.S.C. § 1355(d) and Supplemental Rule
17 G(3)(c).

18 5. Venue is proper in this district pursuant to 28 U.S.C. §1355(b)(1),
19 because the acts or omissions giving rise to the forfeiture occurred in this district.

20 IV. BASIS FOR FORFEITURE

21 6. Plaintiff repeats and re-alleges each and every allegation set forth in
22
23 Paragraphs 1 through 5 above.

1 7. The Defendant property is liable to condemnation and forfeiture to the
2 United States for its use, in accordance with the provisions of 21 U.S.C. § 881(a)(6),
3 because it constitutes: 1) money, negotiable instruments, securities and other things
4 of value furnished and intended to be furnished in exchange for a controlled substance
5 in violation of the Controlled Substances Act; 2) proceeds traceable to such an
6 exchange; and/or 3) money, negotiable instruments, and securities used and intended
7 to be used to facilitate a violation of the Controlled Substances Act.
8

V. FACTS

8. In 2014, the Spokane Violent Crime Gang Enforcement Team (SVCGET), which includes the Federal Bureau of Investigation and the Spokane Police Department, initiated an investigation into narcotics trafficking activities being facilitated by several individuals in and around Yakima, Washington, and Spokane, Washington, metropolitan areas. The investigation identified several individuals who were facilitating narcotics trafficking in the area including Francisco Martinez-Perez and Martinez-Perez's girlfriend Ana Laura Diaz-Negrete, among others.

9. Based upon information discovered during the investigation, search warrants and arrest warrants for multiple locations and people were obtained and executed on June 13, 2017, and June 15, 2017. Pursuant to the search warrants and arrest warrants, law enforcement seized various items including multiple vehicles, over \$700,000 in US currency, several weapons, ammunition, and large amounts of cocaine.

1 10. On June 15, 2017, in connection with the search warrants and arrest
2 warrants executed as referenced in Paragraph 9, Detective Brad Richmond and Border
3 Patrol Agent Mike Pitts arrived at 9518 E. 4th Avenue, Trailer #61, Spokane Valley,
4 Washington, in an attempt to conduct a consent search and contact Ana Laura Diaz-
5 Negrete and/or Francisco Martinez-Perez.

6 11. Detective Richmond and Agent Pitts made contact with Diaz-Negrete,
7 and Agent Pitts took Diaz-Negrete into custody for her immigration status and
8 detained her. She was read a warning of her constitutional rights and Diaz-Negrete
9 voluntarily gave Agent Pitts consent to search the residence at 9518 E. 4th Avenue,
10 Trailer #61. The reading of her rights and the consent search waiver were audibly
11 recorded. Diaz-Negrete was brought inside the residence by Detective Richmond and
12 Agent Pitts during the search so she could revoke consent at any time.
13

14 12. During the search of the residence, law enforcement officers found,
15 among other items, the Casino Receipt dated March 6, 2016, in a back bedroom. Other
16 items seized from the residence include a box of ammunition and a cell phone in a
17 lock safe; a money transfer receipt to Mexico; a certificate of title for a Ford vehicle in
18 the name of Francisco Martinez-Perez; a bill of sale and receipt for the trailer located
19 at 9518 E. 4th Ave., Trailer #61, in the name of Francisco Martinez-
20 Perez; and forged identification including a social security card in the name of Ana L.
21 Diaz with a fake social security number and a permanent residence card.
22

1 13. Diaz-Negrete was asked who owned the Casino Receipt. She stated that
2 the Casino Receipt was owned by Israel Barbosa. Diaz-Negrete identified Barbosa as
3 the nephew of Martinez-Perez. Barbosa's address of residence was listed by the
4 Department of Licensing as 9518 E. 4th Avenue, Trailer #61.
5

6 14. As part of the SVCGET investigation, Francisco Martinez-Perez and Ana
7 Laura Diaz-Negrete were both identified as individuals involved with the trafficking
8 of illegal controlled substances in the Spokane area. Intelligence gathered indicates
9 that Francisco Martinez-Perez is in the hierarchy of a Mexican cartel-affiliated drug
10 trafficking organization and is known to distribute kilogram-level quantities of
11 cocaine and methamphetamine in Eastern Washington.
12
13

14 15. A report run by Washington State Employment Security Department on
15 September 27, 2016, shows no wages reported by employers for Francisco Martinez-
16 Perez from July 1, 2013, through June 30, 2016.
17

18 16. A report run by Washington State Employment Security Department on
19 June 14, 2016, shows no wages reported by employers for Ana Laura Diaz-Negrete
20 from January 1, 2013, through March 31, 2016.
21

22 17. At the time of the search, Barbosa was 18 years old (DOB: 5/28/1999).
23 However, as of the date on the Casino Receipt, Barbosa was 17 years old, under the
24 legal age for gambling in the state of Washington.
25

26 18. Barbosa was charged with a first degree assault with a knife that occurred
27 on April 23, 2016, at Taqueria la Flor de Michoacan, the restaurant owned by Diaz-
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1 Negrete and/or Martinez-Perez which, according to the underlying investigation, was
2 used as a front for narcotics trafficking.

3 19. As a result of the underlying ongoing investigation into narcotics
4
5 trafficking, law enforcement officers received information that Martinez-Perez fled to
6 Mexico in late April 2016 or early May 2016. Law enforcement officers also received
7 information that Barbosa accompanied Martinez-Perez to Mexico at this time.

9 20. Detective Richmond notified the Northern Quest Resort and Casino of
10 the intended seizure of the US currency as it was believed that the jackpot was won
11 with proceeds from illegal narcotics trafficking.

13 21. On June 20, 2017, related to the ongoing narcotics trafficking
14 investigation, the United States filed an Indictment charging several individuals,
15 including Martinez-Perez, with Conspiracy to Distribute Cocaine and 500 Grams or
16 More of a Mixture and Substance Containing a Detectable Amount of
17 Methamphetamine in violation of 21 U.S.C.
18 §§ 846, 841(a)(1),(b)(1)(A)(viii).
19

21 22. On July 11, 2017, the United States filed a Superseding Indictment which
22 contained a forfeiture allegation against the Casino Receipt seized from 9518 E. 4th
23 Ave., Trailer #61, on June 15, 2017.

25 23. There are no known claims by any individuals to the Casino Receipt.
26 Martinez-Perez remains a fugitive who is believed to reside in Mexico. Barbosa, an
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1 uncharged co-conspirator in the related criminal case, remains a fugitive in relation to
2 his Washington State assault charge and is believed to continue to reside in Mexico.

3 VI. CONCLUSION
4

5 WHEREFORE, Plaintiff requests that the Clerk of the Court issue a warrant for
6 the arrest of the Defendant property; that notice of this action be given to all persons
7 who reasonably appear to be potential claimants of interests in the property; that the
8 Defendant property be forfeited and condemned to the United States of America; that
9 Plaintiff be awarded its costs and disbursements in this action and for such other and
10 further relief as this Court deems proper and just.
11

12 DATED this 9th day of July 2019.
13

14 Joseph H. Harrington
15 United States Attorney
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s/ Brian M. Donovan
17 Brian M. Donovan
18 Assistant United States Attorney
19

VERIFICATION

I, Devin Presta, hereby verify and declare under penalty of perjury that I am a
Task Force Officer with the Federal Bureau of Investigation/Eastern Washington
Spokane Regional Safe Streets Task Force in Spokane, Washington, that I have read
the foregoing Verified Complaint *in rem* and know the contents thereof, and that the
matters contained in the Verified Complaint are true to my own knowledge, except

1 those matters herein stated to be alleged on information and belief, and as to those
2 matters I believe them to be true.

3 The sources of my knowledge and information and the grounds of my belief are
4 the official files and records of the United States and information supplied to me by
5 other law enforcement officers, as well as my investigation of this case, together with
6 others, as a Task Force Officer.
7

8
9 I hereby verify and declare under penalty of perjury that the foregoing
10 information is true and correct.

11 DATED this 19th day of July 2019.
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14 Detective Devin Presta, Task Force Officer
15 Federal Bureau of Investigation/Eastern Washington
16 Spokane Regional Safe Streets Task Force
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